

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

Claims 73, 75, 77, 79 and 81 are pending. Claims 73, 77 and 81, which are independent, are hereby amended to incorporate the features of claim 74. Claim 74 is cancelled. Claims 75 and 79 are hereby amended, thereby obviating the objections.

Claim 74 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,134,496 to Schwab et al. (hereinafter, merely "Schwab") in view of U.S. Patent No. 5,579,120 to Oguro et al. (hereinafter, merely "Oguro").

Oguro is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), as amended on November 29, 1999, subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Oguro and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Oguro is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Oguro in the above-noted Office Action are overcome.

Since independent claims 73, 77 and 81 incorporate the features of claim 74, claims 73, 77 and 81 are patentable. The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons.

Therefore, Applicants submit that the pending claims are patentable.

CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,
FROMMERM LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800